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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,277	06/26/2003	Colin D. Greenidge	4590-181	3347
33308	7590	10/19/2005	EXAMINER	
LOWE HAUPTMAN GILMAN & BERNER, LLP 1700 DIAGNOSTIC ROAD, SUITE 300 ALEXANDRIA, VA 22314			DUONG, HUNG V	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/606,277

Applicant(s)

GREENIDGE ET AL.

Examiner

Hung v Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-20, 22-23 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 11, 13-14, 21 is/are rejected.
- 7) ☒ Claim(s) 8, 10, 12, 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413) **HUNG VAN DUONG**  
Paper No(s)/Mail Date. \_\_\_\_ **PRIMARY EXAMINER**
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

*Hung V. Duong*

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9, 11, and 13 -14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bang (US Pat. 6,618,214) in view of Nicholas (US Pat. 6,002,374) and further in view of Packard et al (US 2005/0151367).

Regarding claims 1-7, 9, 11, and 13 -14 Bang discloses an apparatus mountable to a surface and for holding an electronic device, comprising: a mount assembly 1 for holding the electronic device 10; and a base 14 including a lower portion 16 mountable to the surface 10 and an upper portion 22 attached to the mount, a gel portion 17, and a mat 30 to conform to the surface wherein the mount 1 has integral power/data connections wherein the extended support 23 are metal wherein the metal 23 is lead and is cast into the gel portion wherein the base includes an alloy armature wherein the base 14 includes a central anchor post wherein the mat is made of rubber wherein the base is washable wherein the weights are insert molded into the base.

Bang fails to disclose the base includes weights. However Nicholas discloses the base includes weights (see Nicholas 'column 7, line 47). Therefore, it would be obvious to one of ordinary skill to substitute a base includes weight of Nicholas into Bang's base in order to secure attached to a bottom surface of the base.

Bang and Nicholas fail to disclose a deformable base. However Packard et al disclose the deformable base (see Packard 'column 2, para:21). Therefore, it would be obvious to one of ordinary skill to substitute a deformable base of Packard et al into Nicholas and Bang's base in order to be alternately substitution the base.

3. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bang (US Pat. 6,618,214) in view of Nicholas (US Pat. 6,002,374) and further in view of Adjeleian (US Pat. 6,596,374) and Packard et al (US 2005/0151367).

4. Regarding claim 21, Bang, Nicholas and Packard disclose all the subject matter of the claimed invention except for the surface is curved dashboard of a vehicle. However Adjeleian discloses the surface is curved dashboard of a vehicle (see Adjeleian 's column 4, line 35). Therefore, it would be obvious to one of ordinary skill to modify the surface is curved dashboard of a vehicle of Adjeleian into Bang and Nicholas's surface in order to form and retain a vacuum with the surface.

***Allowable Subject Matter***

5. Claims 8, 10, 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose the base has three toes, each of which has a weight or that the mount assembly includes a pivotable hinge connected to the base.

6. Claims 16-20, 22-23 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose a mount assembly is pivotable.

***Response to Amendment***

7. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

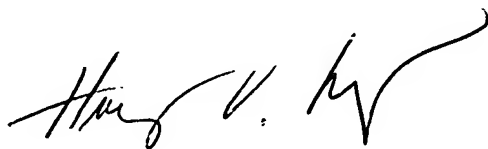
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung v Duong whose telephone number is 571-272-2041. The examiner can normally be reached on M-F from 8:30 to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HVD

10/12/05.

A handwritten signature in black ink, appearing to read 'Hung V. Duong', with a stylized flourish at the end.

Hung Duong  
Primary Examiner.